

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

REGINALD LEE ROGERS, SR.,)	
)	
Plaintiff,)	
)	
v.)	1:07CV328
)	
DAVIDSON COUNTY DETENTION CENTER)	
SARGENT [SIC] MILAM,)	
)	
Defendant.)	

ORDER

On June 17, 2010, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff filed objections to the Recommendation within the time limit prescribed by section 636, and Defendant Milam filed a response to the objections.

The court has reviewed those portions of the Recommendation to which objections were made and has conducted a de novo determination. The court finds that the objections do not change the substance of the United States Magistrate Judge's rulings, which are affirmed and adopted.

IT IS THEREFORE ORDERED that Defendant's Motion for Summary Judgment (Doc. 19) is GRANTED to the extent it relies on Plaintiff's failure to exhaust administrative remedies and that Plaintiff's instant action be, and the same hereby is, DISMISSED WITHOUT PREJUDICE to re-filing if and when Plaintiff exhausts his administrative remedies as to the claims in question.

/s/ Thomas D. Schroeder
United States District Judge

August 4, 2010